

**House Government Operations Committee**

**Amendment No. 1 to HB3002**

**Kernell**  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 3074**

**House Bill No. 3002\***

By deleting the first sentence of Section 3 in its entirety and by substituting instead the following:

The general assembly finds that as the population and demand for water resources grow, it is prudent to engage in planning for the future and to have an explicit mechanism in place to regulate proposals for the diversion of water from one basin to another.

AND FURTHER AMEND by deleting Section 4 in its entirety and by substituting instead the following:

SECTION 4. (a) All persons or entities:

(1) Which have been granted powers by the state of Tennessee to acquire water, water rights and associated property by eminent domain or condemnation, or

(2) Which acquire or supply water for the use or benefit of public water supply systems as defined in § 68-221-703, shall, when proposing a new or significantly increased withdrawal of surface or ground water for the purpose of transferring and/or diverting it between drainage basins, first obtain a permit from the commissioner of environment and conservation, or his/her designee, prior to such diversion or transfer.

(b) All persons or entities that are issued a permit under subsection (a) shall operate the withdrawal activity in accordance with all terms and conditions of the permit.

AND FURTHER AMEND by adding the following language in Section 6 as new subsection (b) and by redesignating the other subsections accordingly:

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(b) The commissioner may revoke, suspend, or modify any permit for cause, including:

(1) Violation of any terms or conditions of the permit or of any provision of this act;

(2) Obtaining the permit by misrepresentation or failing to disclose fully all relevant facts; or

(3) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted inter-basin transfer.

AND FURTHER AMEND by deleting in subsection (a)(2) of Section 7 the remainder of the sentence after the words and punctuation "Water Quality Control Act," and by substituting instead the following:

climatic conditions, alternatives to the proposed withdrawal, quantity of a proposed withdrawal; and quantity and location of water returned.

AND FURTHER AMEND by deleting subsection (a)(3) of Section 7 and by substituting instead the following:

(3) Establishing procedures for permit issuance, including fees, opportunity for public comment and public hearings.

AND FURTHER AMEND by deleting in subsection 8(a) the language "\$100 to \$1,000" and by substituting instead the language "up to \$10,000".

AND FURTHER AMEND by deleting Section 9 in its entirety and by substituting instead the following:

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SECTION 9. The state of Tennessee's grant of power to acquire water, water rights, and associated property by eminent domain, condemnation, or through bestowing of rights to withdraw and use water for non-riparian purposes, and for the use or benefit of public water supply, shall be limited to activities that do not impair the ability of downstream waters to support the uses for which they are classified pursuant to the Water Quality Control Act.

AND FURTHER AMEND by deleting the amendatory language of Section 10 in its entirety and by substituting instead the following:

Any exercise of the power to condemn granted under this section, including any continuing grant to withdraw water for non-riparian use, that impairs the ability of downstream waters to support the uses for which they are classified pursuant to the Water Quality Control Act, as determined by the commissioner or his/her designee, shall be unlawful and void.